

R E M A R K S

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested.

By the foregoing amendment, claims 16, 17 and 27-30 have been amended.

Support for such amendments can be found throughout the originally filed application.

Thus, no new matter has been added. Such amendments are not intended to limit the scope of the claims or any element contained therein.

Turning now to the Official Action, the Examiner has acknowledged the English language translation filed on January 22, 2002. However, the Japanese Application Number referenced by the Examiner in the Official Action appears to contain a typographical error as the Japanese Application which applicants claim priority, and thus submitted the English language translation of, is No. 2000-113913 (see Combined Declaration and Power of Attorney), not No. 2000-113912 as indicated in the Official Action. Additionally, the Examiner has required applicants to file a certified copy of the Japanese priority document. The Examiner's attention is drawn to the fact that applicants have already filed a Claim for Convention Priority, along with the certified copy of the Japanese priority document, in the United States Patent and Trademark Office on June 6, 2001. A copy of this submission and the corresponding PTO date-stamped postcard receipt is enclosed herewith for the Examiner's convenience

The Examiner has provisionally rejected claims 16-20 and 22-26 under the judicially created doctrine of obviousness-type double patenting as purportedly being unpatentable over claims 1-7 of United States Patent No. 6,235,709. This rejection is respectfully traversed. However, to expedite prosecution of the subject application, and not to acquiesce to the Examiner's rejection, applicants have concurrently filed herewith a Terminal Disclaimer. In view of the above, the Examiner is respectfully requested to withdraw this obviousness-type double patenting rejection.

The Examiner has also rejected claims 16, 19-27 and 29 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The Examiner has rejected claims 16, 19-27 and 29 for recitation of the phrase "a method which utilizes specific adsorption to *Helicobacter pylori* urease . . ." While applicants believe that this language is sufficiently clear, to expedite prosecution in the subject application, and not to acquiesce to the Examiner's rejection, independent claims 16, 27 and 29 have been amended to recite that the glycoprotein-containing substance is contacted with *Helicobacter pylori* urease. Therefore, the Examiner's rejection is believed to be overcome.

Claim 25 has also been rejected for use of the term "an inhibitor of gastric acid secretion . . ." Applicants disagree with the Examiner's statement that this phrase is indefinite as such phrase is commonly used in the art and would be well understood by

those skilled in the art. Further, the specification of the present application describes such phrase on page 11, line 23 through page 12, line 1. Additionally, the United States Patent and Trademark Office has previously accepted use of this phrase in, for example, United States Patent No. 6,235,709.

In view of the above, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 112, second paragraph.

Applicants acknowledge the Examiner's statement that claims 28 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. As claims 27 and 29, the independent claims upon which claims 28 and 30 depend respectively, are allowable for the reasons set forth above, this objection is respectfully requested to be withdrawn.

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

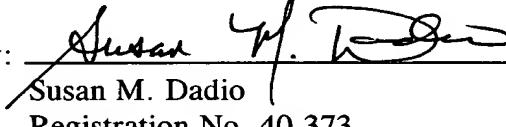
In the event that there are any questions relating to this Amendment and Reply, or the application in general, it would be appreciated if the Examiner would telephone the

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undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Susan M. Dadio
Registration No. 40,373

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

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Attachment to Amendment and Reply dated July 3, 2002

Marked-up Claims 16, 17 and 27-30

16. A glycoprotein which specifically binds to urease of *Helicobacter pylori*, [which] wherein the glycoprotein is obtained by [isolation and purification from] contacting a glycoprotein-containing substance [using a method which utilizes specific adsorption to] with *Helicobacter pylori* urease and isolating and purifying the glycoprotein specifically bound to the urease.

17. The glycoprotein according to Claim 16, wherein [the method which utilizes specific adsorption to *Helicobacter pylori* urease is] said contacting step involves affinity chromatography using a column on which the urease is immobilized.

27. A process for preparing a glycoprotein which specifically binds to urease of *Helicobacter pylori*, comprising contacting a glycoprotein-containing substance with *Helicobacter pylori* urease and isolating [or] and purifying [said] the glycoprotein [from a glycoprotein-comprising substance by using a method which utilizes specific adsorption to *Helicobacter pylori*] specifically bound to the urease.

28. The process according to [claim] Claim 27, wherein [the method which utilizes specific adsorption to *Helicobacter pylori* urease is] said contacting step involves affinity chromatography using a column on which the urease is immobilized.

29. A process for preparing an inhibitor of *Helicobacter pylori* colonization, comprising contacting a glycoprotein-containing substance with *Helicobacter pylori* urease and isolating [or] and purifying [a] the glycoprotein [which] specifically [binds] bound to the urease [of *Helicobacter pylori* from a glycoprotein-containing substance by using a method which utilizes specific adsorption to *Helicobacter pylori* urease].

30. The process according to [claim] Claim 29, wherein [the method which utilizes specific adsorption to *Helicobacter pylori* urease is] said contacting step involves affinity chromatography using a column on which the urease is immobilized.--